NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application for a Provisional Permit received by the Department of Natural Resources & Conservation on AUGUST 31, 2010. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

Application Number: 40A 30049157

Owners: SIGNAL PEAK ENERGY LLC

% MUSSELSHELL RESOURCES LLC

100 PORTAL DR

ROUNDUP, MT 59072 6856

Priority Date: AUGUST 31, 2010 at 12:08 P.M.

Purpose (use): INDUSTRIAL
Maximum Flow Rate: 700.00 GPM
Maximum Volume: 1,130.00 AC-FT
Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

 $\underline{\mathbf{ID}} \qquad \qquad \underline{\mathbf{Govt}\ \mathbf{Lot}} \qquad \qquad \underline{\mathbf{Qtr}\ \mathbf{Sec}} \qquad \underline{\mathbf{Twp}} \qquad \underline{\mathbf{Rge}} \quad \underline{\mathbf{County}}$

1 W2SWNE 14 6N 26E MUSSELSHELL

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 350.00 GPM

Diversion Means: WELL

Well Depth: 8,713.00 FEET Static Water Level: 280.00 FEET Casing Diameter: 13.38 INCHES Pump Size: 450.00 HP

2 NWNENE 14 6N 26E MUSSELSHELL

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 350.00 GPM

Diversion Means: WELL

Well Depth: 9,335.00 FEET Static Water Level: 1,125.00 FEET Casing Diameter: 9.63 INCHES Pump Size: 450.00 HP

Reservoir: OFF STREAM Reservoir Name MADISON POND #1

Govt Lot Qtr Sec Sec Twp Rge County

E2SENE 14 6N 26E MUSSELSHELL

Depth: 14.00 FEET
Surface Area: 1.47 ACRES
Current Capacity: 14.60 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name MADISON POND #2

Govt Lot Qtr Sec Sec Twp Rge County

S2SWNE 14 6N 26E MUSSELSHELL

Depth: 21.00 FEET
Surface Area: 0.90 ACRES
Current Capacity: 11.60 ACRE-FEET

Purpose (Use): INDUSTRIAL Purpose COAL MINING OPERATION

Clarification:

Volume: 1,130.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	Acres Govt Lot	Qtr Sec	<u>Sec</u>	Twp	Rge	County
1		S2	12	6N	26E	MUSSELSHELL
2			13	6N	26E	MUSSELSHELL
3			14	6N	26E	MUSSELSHELL
4			3	6N	27E	MUSSELSHELL

DI	000	۸f	Use
PI	ace	OI	Use

<u>ID</u> 5	Acres Govt Lot	Qtr Sec	<u>Sec</u>	$\overline{\mathbf{Twp}}$	<u>Rge</u>	County
5			4	6N	27E	MUSSELSHELL
6 7		S2SE	5	6N	27E	MUSSELSHELL
			7	6N	27E	MUSSELSHELL
8			8	6N	27E	MUSSELSHELL
9			9	6N	27E	MUSSELSHELL
10			10	6N	27E	MUSSELSHELL
11			11	6N	27E	MUSSELSHELL
12			14	6N	27E	MUSSELSHELL
13			15	6N	27E	MUSSELSHELL
14			16	6N	27E	MUSSELSHELL
15			17	6N	27E	MUSSELSHELL
16			18	6N	27E	MUSSELSHELL
17			19	6N	27E	MUSSELSHELL
18			20	6N	27E	MUSSELSHELL
19			21	6N	27E	MUSSELSHELL
20			22	6N	27E	MUSSELSHELL
21			23	6N	27E	YELLOWSTONE
22			26	6N	27E	YELLOWSTONE
23			27	6N	27E	YELLOWSTONE
24			28	6N	27E	YELLOWSTONE
25			29	6N	27E	YELLOWSTONE
26		E2NE	30	6N	27E	YELLOWSTONE
27		N2	32	6N	27E	YELLOWSTONE
28			33	6N	27E	YELLOWSTONE
29			34	6N	27E	YELLOWSTONE

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have 45 days to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020 PHONE: 406-538-7459 FAX: 406-538-7089.